



U.S. Department of Justice

*United States Attorney
Southern District of New York*

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 13, 2023

BY ECF

The Honorable Richard J. Sullivan
United States Circuit Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: ***United States v. Darnell Feagins, 17 Cr. 377 (RJS)***

Dear Judge Sullivan:

The Government writes to update the Court with respect to the defendant's sentencing before the Honorable Andrew L. Carter, Jr. in Case No. 20 Cr. 218 (ALC), and to request that certain materials be unsealed in advance of the supervised release violation hearing currently scheduled in this matter for March 28, 2023.

The defendant's sentencing before Judge Carter has been adjourned to April 6, 2023. The United States Probation Office ("Probation") has informed the Government that the sentencing may be further adjourned because Judge Carter has ordered a mental health evaluation of the defendant. However, the defense in the instant case has informed the Government that it wishes to proceed with the supervised release violation hearing as scheduled on March 28, 2023.

To prepare for the hearing, the Government requests that portions of Probation's file be unsealed. Probation consents to this request. Specifically, Probation's file contains documents relevant to the supervised release violations (the "Violations") that are the subject of the upcoming hearing. Probation's file also includes prior statements of U.S. Probation Officer Hillel Greene, whom the Government anticipates calling as a witness at the hearing. Finally, defense counsel has requested discovery of portions of Probation's file, as well as additional materials not currently in Probation's possession that the Government is voluntarily requesting Probation obtain from third parties to provide to the defense. As such, the Government respectfully requests that the following materials, to the extent they exist, be unsealed:

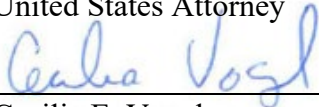
- (1) Internal chronologies, correspondence, and other records maintained by Probation relating to the Violations;
- (2) Memoranda from Probation to the Court regarding the Violations;
- (3) Recorded statements of the defendant relating to the Violations;
- (4) Records relating to the defendant's placement and residency at a New York City homeless shelter from March 2020 through August 2020; and

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(5) Records relating to the defendant's sex offender mental health treatment from March 2020 through August 2020.

Respectfully submitted,
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cc: Zachary Margulis-Ohnuma, Esq. and Tess Cohen, Esq. (by ECF)
U.S. Probation Officer Hillel Greene (by Email)

In light of the need for the government and defense counsel to review documents related to Darnell Feagins's alleged violations of supervised release ("VOSR") prior to the evidentiary hearing scheduled for March 28, 2023, IT IS HEREBY ORDERED THAT the following documents be immediately unsealed and produced to the government and defense counsel:

- (1) Internal chronologies, correspondence, and other records maintained by Probation relating to the VOSR;
- (2) Recorded statements of Feagins relating to the VOSR;
- (3) Records relating to Feagins's placement and residency at a New York City homeless shelter from March 2020 through August 2020; and
- (4) Records relating to Feagins's sex-offender mental-health treatment from March 2020 through August 2020.

IT IS FURTHER ORDERED THAT the VOSR hearing currently scheduled for March 28, 2023, shall proceed as scheduled.

SO ORDERED
March 15, 2023


RICHARD J. SULLIVAN
United States Circuit Judge
Sitting by Designation